

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,)
Plaintiff,) CIVIL ACTION NO. 17-cv-10356-PBS
v.)
GOTPER6067-00001and DOES 1-5, dba)
ENCYCLOPEDIADRAMATICA.SE, and)
BRIAN ZAIGER,)
Defendants.)

)

**AFFIDAVIT OF RICHARD GOREN
IN SUPPORT OF PLAINTIFF'S
MOTION FOR LEAVE TO SERVE
THIRD PARTY SUBPOENA ON
DEFENDANTS' INTERNET SERVICE
PROVIDERS**

I, Richard A. Goren, an attorney admitted to practice before the courts of the Commonwealth of Massachusetts, on oath depose and state as follows:

1. I am counsel to the Plaintiff and submit this affidavit in support of his motion for leave to serve third party subpoenas prior to a Rule 26 (f) conference on third party Internet Service Providers to ascertain the true identity of the Doe Defendants.

2. In addition to serving copies of the summons, complaint and the Court's April 20, 2017 Order, on April 24th I also requested each of Cloudflare, Inc., National Net, Inc., and Key-Systems GmbH to terminate Defendant Does' service and to voluntarily provide me with all contact information for Defendant Does 1-5.

3. While Cloudflare's designated agent to receive notice of claimed infringements had promptly emailed an acknowledgement of receipt of my April 24th service and request, by May 2, 2017 I had received no substantive response. On May 2, 2017, I called two of Cloudflare's in house legal counsel, Kenneth R. Carter, Esq., and Doug Kramer, Esq. leaving messages for each requesting a call and a response to my April 24, 2017 transmittal and a follow

up email I would send. On May 2, 2017 at 12:56pm (Boston time) I emailed attorneys Carter and Kramer and Cloudflare's DMCA designated agent and repeated among other things my request for the names, physical mailing address, electronic mailing addresses, telephone numbers for the Defendant Does 1-5. At 3:11pm (Boston time) I received the following reply:

Dear Mr. Goren,

We received your letter dated April 24, 2017 regarding possible copyright violations of encycopediadramatica.se. Cloudflare offers network service solutions, including a reverse proxy, pass-through security service and a content distribution network (CDN). Because Cloudflare is a reverse proxy, our IP addresses may appear in whois and DNS records for websites using our services. We do not have access to our customer's content. Cloudflare is not a hosting provider.

Given the type of service we provide, and the fact that we do not create or host content, there are limits to what we can do. We respectfully suggest that you get in direct contact with the website owner or the hosting provider. Purely as courtesy, we are providing the hosting provider contact information here for encycopediadramatica.se. However, Cloudflare makes no warranties as to the accuracy of this information.

person: Sibin Grasic
address: Tanaska Rajica 26
address: 37000 Krusevac
address: SERBIA
phone: +38137425870
org-name: Hetzner Online GmbH
address: Industriestrasse 25
address: D-91710
address: Gunzenhausen
address: GERMANY
phone: +49 9831 5050
fax-no: +49 9831 5053
e-mail: ripe-mntner@hetzner.de

As a further courtesy, we have forwarded the documents you provided to us directly to the customer. Because it was sent to an email address, we cannot verify service.

Regards,
Cloudflare Legal Department

EXECUTED UNDER THE PENALTIES OF PERJURY THIS 3d DAY OF MAY, 2017.

/s/Richard A. Goren

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on May 3, 2017, and further certify that on May 3, 2017 I served paper copies to Defendant Does 1-5 by email to contact@encycopediadramatica.se and to Defendant Brian Zaiger by mail, postage prepaid, to Brian Zaiger, c/o Lafayette Hotel, Room 111, 116 Lafayette Street, Salem Massachusetts 01970-3625 and 4 Davis Street, Beverly MA 01915 and email to zaiger420@yahoo.com , zaiger@gmail.com, zaiger420@gmail.com, and zaiger@aol.com.

/s/Richard A. Goren